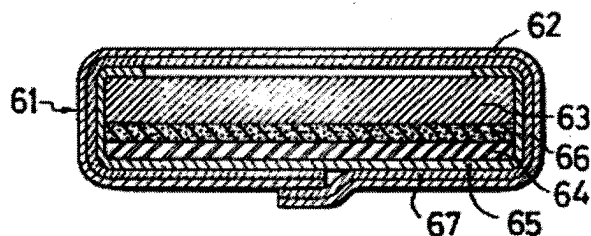


REMARKS

Currently, claims 17-20 and 22-31, including independent claim 17, are pending in the present application. Independent claim 17, for example, is directed to a personal care product comprising a liquid impervious baffle, a liquid pervious liner, an absorbent core positioned between the baffle and the liner, and an odor sorbent substrate positioned between the baffle and absorbent core and wrapped around the absorbent core. The substrate has a surface that is coated with a durable activated carbon ink that consists essentially of activated carbon particles and a binder.

Independent claim 17 was rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 3,939,838 to Fujinami, et al. in view of EP348978 to Tanzer, et al. Fujinami, et al. is directed to a sanitary napkin that includes a material for deodorizing menstrual fluid. One example of the sanitary napkin (61) is shown in Fig. 6, which is re-presented below for the Examiner's convenience:



The napkin 61 includes an absorbent layer 63 for absorbing menstrual fluid and a water-proofing layer 64 for preventing the absorbed fluid from permeating through the undersurface of the napkin. A deodorizer is interposed between the absorbent layer 63 and the water-proofing layer 64. The deodorizer is *contained in* a sheet 66 made of cellulose fiber. Fujinami, et al. indicates that the deodorizer may be *mixed* with the

cellulose fiber, or *dispersed* into a cotton web, piled body of thin paper, or powdery material made of cellulose fiber. (Col. 3).

As correctly noted by the Examiner, however, Fujinami, et al. fails to disclose certain aspects of independent claim 17, including an odor sorbent substrate wrapped around an absorbent core. Fujinami, et al. also fails to disclose other aspects of independent claim 17. The deodorizing substance of Fujinami, et al., for instance, is “mixed” or “dispersed” with the materials used to form the cellulose fiber sheet. In stark contrast, the substrate of claim 17 has a “surface that is coated with a durable activated carbon ink.” The presence of an activated carbon ink on the surface of the claimed odor sorbent substrate may allow for a greater degree of surface contact with malodorous compounds, thus providing increased odor reduction efficiency. Applicants respectfully submit that this is not simply an obvious design choice. In fact, one of ordinary skill in the art would reasonable expect that the 80 to 240 mesh¹ activated carbon powder would readily rub off of the surface of a cellulose fiber sheet due to its relatively large particle size.

Despite the deficiencies noted above, Tanzer, et al. was nevertheless combined with Fujinami, et al. in an attempt to render obvious independent claim 17. Specifically, the Office Action asserted that the limitation of an odor sorbent substrate wrapped around an absorbent core was disclosed in Figs. 11 and 12 of Tanzer, et al. Fig. 11, for instance, is re-produced below.

¹ According to the document attached hereto as Appendix A, a mesh size of 80 to 240 corresponds to a particle size of approximately 60 to 177 μm .

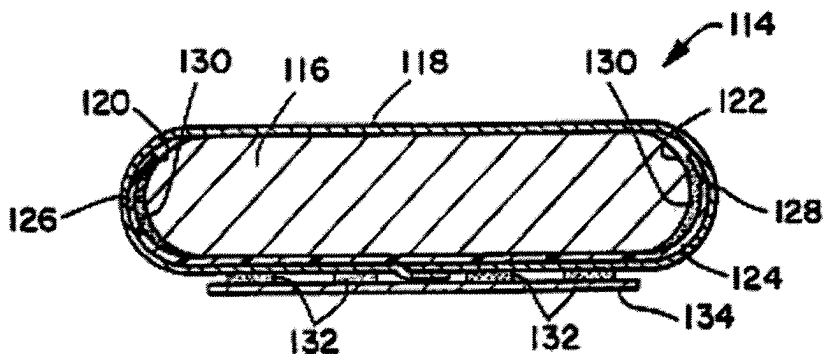


FIG. 11

As shown, Fig. 11 illustrates an absorbent article 114 that contains an absorbent 116, a baffle 124 and a fluid-permeable cover 118.

The Office Action asserted that the “deodorizing mixture 130” is “not floating in mid-air” and that it “*must coat the core*” because it is positioned between the baffle and absorbent. Applicants respectfully submit, however, that independent claim 17 requires that the activated carbon ink *coats the surface of a separate odor sorbent substrate – not the absorbent core*. In fact, the absorbent article 114 of Tanzer, et al. completely lacks the claimed odor sorbent substrate, which is positioned the baffle and core. Nevertheless, even if one were to assume for purposes of argument that Tanzer, et al. discloses a separate odor sorbent substrate, it would still fail to cure all of the defects of Fujinami, et al. noted above. For example, Tanzer, et al. lacks any teaching of coating a surface of an odor sorbent substrate, rather than “mixing” or “dispersing” the substance into the substrate as taught by Fujinami, et al. Thus, for at least the reasons noted above, Applicants respectfully submit that the claims patentably define over the cited references, taken singularly or in any proper combination.

Applicants emphasize that the issue in conducting an analysis under 35 U.S.C. § 103(a) is not whether a theoretical re-design of a device is *possible* or that it might be *obvious to try* the modification. Instead, the issue hinges on whether the claimed invention *as a whole* would have been obvious. In this case, the Office Action parsed and dissected only certain portions of the references, and then used these dissected portions in a way that would require a substantial reconstruction of the references. Clearly, the Office Action is using the present application as a "blueprint" for selectively re-designing the reference, which is improper under 35 U.S.C. § 103. Thus, for at least the reasons set forth above, Applicants respectfully submit that one of ordinary skill in the art would not have found it obvious to modify the references in the manner suggested in the Office Action.

It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Chapman is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Appl. No. 10/723,761
Amdt. dated Aug. 6, 2007
Reply to Notice of Panel Decision from Pre-Appeal Brief Review

Respectfully requested,

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